



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1750

Released: September 16, 2010

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR
RULEMAKING FILED BY TREX ENTERPRISES CORPORATION TO MAKE THE 78-81 GHZ
BAND AVAILABLE TO PART 90 RADIOLOCATION SERVICE STATIONS**

RM-11612

Comment Date: October 18, 2010

Reply Date: November 2, 2010

On August 10, 2010, Trex Enterprises Corporation (Trex) filed a petition for rulemaking, asking the Commission to amend Section 90.103(b) of the Rules to add the 78-81 GHz band to the table of frequencies available for assignment to stations operating in the Radiolocation Service.¹ Trex seeks this rule change in order to enable entities to obtain licenses to operate new radar technology used to detect foreign object debris (FOD) on runways and other airport surfaces.² Trex states that the hazard caused by FOD is one of the most critical issues faced by airfield operations.³ While Trex contemplates using the 78-81 GHz band only for FOD detection, it supports the availability of the band for any conforming radiolocation use, and does not propose to limit use of the band to FOD detection.⁴

The 78-81 GHz band is allocated for Federal and non-Federal radio astronomy and radiolocation,⁵ but is not included in the table of frequencies available to Part 90 Radiolocation Service stations.⁶ Trex

¹ Petition for Rulemaking to Amend Part [sic] 90.103 to Add the 78-81 GHz Band to the Table Specifying Frequencies Available for Assignment to Stations in the Radiolocation Service (filed Aug. 10, 2010) (Petition).

² The FOD radar detection technology developed by Trex uses a low-power, three-dimensional imaging, frequency-modulated continuous wave radar system, mounted on a vehicle to provide mobility. *Id.* at 4.

³ *See id.* at 4; *see also* Federal Aviation Administration Advisory Circular No. 15/5220-24, Airport Foreign Object Debris (FOD) Detection Equipment, at ¶ 2.1 (Sept. 30, 2009) (“The presence of FOD on airport runways, taxiways, aprons and ramps poses a significant threat to safety of air travel.”). FOD at airports includes any object found in an inappropriate location that can damage aircraft or equipment, injure airport personnel or passengers, or affect logistics and airport operations. FOD can vary in size and form, and includes parts fallen from aircraft, misplaced tools and equipment, pavement fragments, catering supplies, building materials, rocks, luggage, and wildlife.

⁴ *See* Petition at 11.

⁵ *See* 47 C.F.R. § 2.106. The band also is allocated and designated to the Amateur Radio Service on a secondary basis to Federal and non-Federal radio astronomy and radiolocation. *See id.*; 47 C.F.R. § 97.301(a).

⁶ *See* 47 C.F.R. § 90.103(b).

therefore proposes that the 78-81 GHz band be added to the table in Section 90.103(b).⁷ Trex proposes that Part 90 operations in the 78-81 GHz band be coordinated with radio astronomy operations.⁸

Procedural Matters

Pursuant to Section 1.405, 47 C.F.R. § 1.405, interested parties may file statements in support of or in opposition to the Petitioner's request to initiate a rulemaking proceeding to consider the above-described rule changes on or before **October 18, 2010**. Parties interested in submitting replies to such statements must do so on or before **November 2, 2010**. All statements in support of or in opposition to the petition and replies to such statements should reference the petition and RM-11612, and may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Statements in support of or in opposition to the petition and replies to such statements may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic statement in support of or in opposition to the Petition and/or replies thereto by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary

⁷ We note that petitions for rulemaking are pending to amend the Part 15 rules to permit use of the 77-81 GHz band for tank level probing radar devices, and to permit use of the adjacent 76-77 GHz band for fixed ground-traffic radar at airports. *See* Amendment of Part 15 of the Commission's Rules to Establish Regulations for Tank Level Probing Radars in the Frequency Band 77-81 GHz, *Notice of Proposed Rule Making and Order*, ET Docket No. 10-23, 25 FCC Rcd 601 (2010); Office of Engineering and Technology Seeks Comment on Era Systems Corporation's Proposal to Permit Fixed Ground-Traffic Radar at Airports in 76-77 GHz Band, *Public Notice*, ET Docket No. 10-28, 25 FCC Rcd 896 (OET 2010). Trex argues that unlicensed Part 15 operation is not appropriate for radiolocation in the 78-81 GHz band because the intended operation of Trex's radar operations is for critical safety applications and exceeds the Part 15 necessary bandwidth limit. *See* Petition at 6-7.

⁸ *See* Petition at 8-10. The proposed procedure follows that for coordinating vehicle-mounted earth stations in the 14.47-14.5 GHz band. *See* 47 C.F.R. § 25.226(d); *see also* Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service, *Report and Order*, IB Docket No. 07-101, 24 FCC Rcd 10414, 10433-34 ¶¶ 58-64 (2009).

must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The petition, and documents filed in response to this *Public Notice*, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the rulemaking number, RM-11612. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹⁰ More than a one- or two-sentence description of the views and arguments presented is generally required.¹¹

For further information, contact Mr. Tim Maguire of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2155, tim.maguire@fcc.gov.

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⁹ See 47 C.F.R. §§ 1.1200(a), 1.1206.

¹⁰ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

¹¹ See 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). See 47 C.F.R. § 1.1206(b).